

February 15, 2018

Davis Zhen  
US Environmental Protection Agency  
EPA Region 10 Site Cleanup Manager  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

Subject: **Portland Harbor Superfund Site  
Pre-Remedial Design Investigation (PDI) and Baseline Sampling  
Permit Equivalency Concurrence Request  
CERCLA Docket No. 10-2018-0236**

Dear Mr. Zhen:

On behalf of the Portland Harbor Pre-Remedial Design Agreement and Order on Consent Group (Pre-RD AOC Group), AECOM is requesting concurrence on our proposed permit equivalency approach for the Pre-Remedial Design Investigation (PDI) and Baseline Sampling. The field components of the proposed PDI studies are scheduled to occur between March 2018 and April 2019 within the Portland Harbor Superfund Site (River Mile [RM] 1.9 to 11.8), as well as the Downtown Reach (RM 11.8 to 16.6) and the Upriver Reach (RM 16.6 to 28.4), collectively called the “PDI Study Area.” The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Section 121(e)(1) and the National Contingency Plan (40 CFR, Section 300.400(e)(1)) exempt the requirement for federal, state, or local permits for on-site response actions conducted pursuant to CERCLA. In addition, Section 12.2 of the US Environmental Protection Agency (EPA)-approved AOC states that no permits are necessary for work within the Site.

The Record of Decision (ROD) described a post-ROD sampling effort for the Portland Harbor Superfund Site to delineate and better refine the sediment management area footprints, refine the conceptual site model, determine baseline conditions, and support remedial design (EPA 2017). Project plans for PDI and baseline sampling activities on behalf of the Pre-RD AOC Group were submitted to EPA for review on or before January 18, 2018. The PDI studies are a foundational step in what will be a multi-phase effort to update current conditions from the collection of data during the previous remedial investigation/feasibility study.

Typically, field studies and sampling activities conducted in the lower Willamette River are regulated by agencies such as the National Marine Fisheries Service (NMFS); Oregon Department of Environmental Quality; Oregon Department of Fish and Wildlife; Oregon Department of State Lands (DSL); and US Army Corps of Engineers, Portland District (USACE). However, since this is a CERCLA matter, only the substantive permit requirements need to be met for PDI study activities. To aid EPA, the following documents have been provided as attachments to this letter.

- Attachment A – Proposed Permit Equivalency Matrix
- Attachment B – Proposed PDI Study Location Map

The attached permit equivalency matrix (Attachment A) summarizes our approach to meet the substantive permitting requirements to implement the PDI studies conducted within the Portland Harbor Superfund Site and Upriver Sampling Areas.

Prior to initiating PDI study activities in the Portland Harbor Superfund Site and the Upriver Study Area, AECOM is proposing the following permit equivalency process for the following activities, and at this time we are requesting EPA concurrence on this approach:

1. Sediment Trap Deployment. AECOM will submit the following directly to agencies: a notification letter for General Authorization for Minimal Disturbance Activities and DSL Access Agreement and a notification letter to USACE and DSL for an In-Water Work Period Variance.
2. Surface Water Sampling. Not applicable.
3. Surface Sediment Sampling. AECOM will submit the following directly to agencies: a notification letter for General Authorization for Minimal Disturbance Activities and DSL Access Agreement and a notification letter to USACE and DSL for an In-Water Work Period Variance.
4. Porewater Sampler Deployment. AECOM will submit the following directly to agencies: a notification letter for General Authorization for Minimal Disturbance Activities and DSL Access Agreement and a notification letter to USACE and DSL for an In-Water Work Period Variance.
5. Sediment Core Sampling. AECOM will submit the following directly to agencies: a notification letter for General Authorization for Minimal Disturbance Activities and DSL Access Agreement and a notification letter to USACE and DSL for an In-Water Work Period Variance.
6. Fish Tracking Study. AECOM will submit the following directly to DSL: a notification letter for General Authorization for Minimal Disturbance Activities and DSL Access Agreement.

AECOM will obtain an Oregon State Scientific Taking Permit for the collection of target fish (smallmouth bass) and incidental capture of other fish species related to the fish tracking. No additional support from EPA is requested regarding this permit.

AECOM will prepare a letter to NMFS describing the activities of this study as they relate to Endangered Species Act (ESA)-listed resources under NMFS jurisdiction with potential to occur within the study area. The letter will cite the CERCLA exemption for permits. We are requesting an EPA cover letter and that EPA distribute this notification to NMFS.

7. Fish Tissue Sampling. AECOM will obtain an Oregon State Scientific Taking Permit for the collection of target fish (smallmouth bass) and incidental capture of other fish species

related to the fish tracking. No additional support from EPA is requested regarding this permit.

AECOM will prepare a letter to NMFS describing the activities of this study as they relate to ESA-listed resources under NMFS jurisdiction with potential to occur within the study area. The letter will cite the CERCLA exemption for permits. We are requesting an EPA cover letter and that EPA distribute this notification to NMFS.

For all studies, AECOM will notify the US Coast Guard Captain of the Port, the Portland Harbor Master, and adjacent landowners if there are potential navigational or safety concerns associated with the long-term placement of sampling or monitoring equipment in the lower Willamette River. The study location map provided in Attachment B depicts proposed sampling sites for the entire PDI Study Area.

We appreciate your prompt response to this concurrence request as some of the proposed PDI studies are scheduled to be implemented in March 2018, and we need to begin preparing documentation soon in order to perform this work. We may need EPA assistance with additional agency coordination as the need arises to ensure that the aggressive EPA-approved schedule can be met. Please feel contact me at 281-224-2793 if you have any questions.

Yours sincerely,



Ken Tyrrell, Project Coordinator

AECOM

**Attachments:**

- Attachment A – Proposed Permit Equivalency Matrix
- Attachment B – Proposed PDI Study Location Map

Cc: Jennifer Pretare, AECOM Project Manager  
Nicky Moody, AECOM Field Coordinator  
Keith Kroeger, Geosyntec Field Coordinator  
Hans Feige, Feige and Associates, Inc.

**References:**

EPA. 2017. Record of Decision Portland Harbor Superfund Site, Portland, Oregon. United States Environmental Protection Agency Region 10, Seattle, WA. January.

Attachment A. Permit Equivalency Matrix for Portland Harbor Pre-Remedial Design Investigation (PDI) and Baseline Sampling Study

Action	Date of Activity	Location <sup>a</sup>	Duration	Regulatory Agency, Permit Equivalency, and Approach to Notifications						
				U.S. Army Corps of Engineers	USCG COTP, Harbor Master, and Adjacent Land Owners	DSL GA to Perform Minimal Disturbance Activities within Essential Salmonid Habitat	DSL Short-Term Waterway Access Authorization	ODFW Coordination on IWWP Extension	NMFS Section 10 Scientific Take Permit	ODFW Scientific Collection Permit
Sediment Trap Deployment	3/19/18-1/18/19	Downtown and Upriver Reaches	(3) 90-day deployments	Covered under NWP 6.	Notification if there are potential navigational or safety concerns.	GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	DSL to coordinate with ODFW during GA review process since three deployments are proposed outside the IWWP.	NA	NA
Surface Water Sampling	3/19/18-12/11/18	Portland Harbor Superfund Site <sup>c</sup> , Downtown Reach, and Upriver Reach	(3) 7-day field efforts	AECOM will coordinate with USCG and Harbor Master if there are potential navigational or safety concerns.						
Surface Sediment Sampling	3/29/18-6/13/18	Portland Harbor Superfund Site <sup>c</sup>	60 days	Covered under NWP 6.	Notification if there are potential navigational or safety concerns.	GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	DSL will coordinate with ODFW during GA review process.	NA	NA
	3/29/18-4/17/18 (or to 6/13/18)	Downtown Reach and Upriver Reach	30-50 days	Covered under NWP 6.		GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	DSL will coordinate with ODFW during GA review process.		
Porewater Sampler Deployment	5/27/18-6/15/18	Portland Harbor Superfund Site <sup>b,c</sup>	28 days	Covered under NWP 6.	Notification if there are potential navigational or safety concerns.	GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	DSL will coordinate with ODFW during GA review process.	NA	NA
		Downtown Reach and Upriver Reach <sup>b</sup>				GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	DSL will coordinate with ODFW during GA review process		
Sediment Core Sampling	7/16/18-7/31/18	Portland Harbor Superfund Site <sup>c</sup>	60 days	Covered under NWP 6.	Notification if there are potential navigational or safety concerns.	GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	DSL will coordinate with ODFW during GA review process.	NA	NA
Fish Tracking Study	4/17/18-4/10/19 (fish collection in April 2018)	Fish collection and fish tracking in Portland Harbor Superfund Site <sup>c</sup>	1 year	Covered under NWP 5.	Notification if there are potential navigational or safety concerns.	GA notification letter used to meet substantive requirements; AECOM will coordinate directly with DSL.	Access authorization to be obtained through notification letter; AECOM will coordinate directly with DSL.	Substrate disturbance is so minor that it should not require coordination with ODFW.	NMFS coordination because there is potential to incidentally capture ESA-listed salmonids with hook and line fishing. Requesting EPA coordination with NMFS to expedite CERCLA exemption.	Hook and line fishing to capture smallmouth bass would require OR SCP. Permit can be obtained in 4 to 6 weeks. Fee=\$108, but request waiver of fee under CERCLA.

Action	Date of Activity	Location <sup>a</sup>	Duration	Regulatory Agency, Permit Equivalency, and Approach to Notifications						
				U.S. Army Corps of Engineers	USCG COTP, Harbor Master, and Adjacent Land Owners	DSL GA to Perform Minimal Disturbance Activities within Essential Salmonid Habitat	DSL Short-Term Waterway Access Authorization	ODFW Coordination on IWWP Extension	NMFS Section 10 Scientific Take Permit	ODFW Scientific Collection Permit
Fish Tissue Sampling	8/8/18-9/30/18	Portland Harbor Superfund Site <sup>c</sup>	50 days	No	Notification if there are potential navigational or safety concerns.	No	No	No	Hook and line capture methods same as fish tracking study.	Same as fish tracking study.
		Downtown Reach and Upriver Reach								

**Notes:**  
<sup>a</sup> Portland Harbor Superfund Site = River Mile (RM) 1.9 to 11.8; Downtown Reach = RM 11.8 to 16.6; Upriver Reach = RM 16.6 to 28.4.  
<sup>b</sup> Locations of samples to be determined in concert with EPA.  
<sup>c</sup> This work will take place within the Portland Harbor Superfund Site (River Mile 1.9 to 11.8). The Consent Order states that “no permits are required for any work on the CERCLA site.” As such, we will adhere to the substantive permit requirements but we are assuming that we would not need to secure permit authorizations typical for these project activities for work in Portland Harbor. We will coordinate with the appropriate regulatory agencies to inform them of this approach prior to project implementation.

CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act, or “Superfund”; COTP = Captain of the Port; DSL = Oregon Department of State Lands, EPA = U.S. Environmental Protection Agency; ESA = Endangered Species Act; GA = General Authorization, IWWP = in-water work period, NMFS = National Marine Fisheries Service, NWP = Nationwide Permit, ODFW = Oregon Department of Fish and Wildlife, OR SCP = Oregon Scientific Taking Permit; USCG = US Coast Guard





**Legend**

- Proposed Stratified Random Sediment Sample Location (n = 428)
- Proposed Sediment Grab Location for SMA Delineation\* (n = 178)
- ▲ Proposed Subsurface Core Location for SMA Delineation\* (n = 60)
- Proposed Bank Shallow Core Sample for SMA Delineation (n = 30)
- Proposed Upriver Sediment Grab Sample Location (n = 60)
- ★ Proposed Fish Tissue Sample Location (n = 135)
- ◆ Proposed Surface Water Sample Location (n = 21)
- ◆ Proposed Sediment Trap Sample Location (n = 4)
- Surface Water Transect
- Alt F Mod SMA Footprint

Note:  
1. Aerial Imagery provided by ESRI Basemaps 2017  
2. RM = River Mile  
3. Site defined as RM 1.9 to 11.8  
4. Upriver defined as RM 11.8 to 28.4  
5. Upriver sediment grab locations to be confirmed in the field and placed in areas of fine-grained material  
6. \*: Surface sample will be collected at the core location.  
7. 5 grab samples and 4 cores were removed from the RM 11E vicinity and will be redistributed in the site (TBD).

**Summary of PDI Sampling Locations  
(RM 1.9 to 20)**

Portland Harbor Superfund Site  
Pre-RD Investigation Study

**Geosyntec**  
consultants

**Att. B**

MI/JR

06-Dec-2017